

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
United States of America,

Waiver Of Right To Be Present  
At Criminal Proceeding

*Randell Whitehead,*  
*aka "John Doe"*

7:14-CR-321 (CS)

Defendant.  
-----X

Check Proceeding that Applies:

\_\_\_\_\_ Arraignment

I have been given a copy of the Indictment containing the charges against me and have reviewed it with my attorney. I understand that I have a right to appear before a Judge in a courtroom in the Southern District of New York to confirm that I have received and reviewed the Indictment; to have the Indictment read aloud to me if I wish; and to enter a plea of either guilty or not guilty before the Judge. After consultation with my attorney, I wish to plead not guilty. By signing this document, I wish to advise the Court of the following. I willingly give up my right to appear in a courtroom in the Southern District of New York to advise the Court that:

I have received and reviewed a copy of the Indictment.  
I do not need the Judge to read the Indictment aloud to me.  
I plead not guilty to the charges against me in the Indictment.

Date:

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_ Bail Hearing

I am applying or in the future may apply for release from detention, or if not detained, for modification of the conditions of my release from custody, that is, my bail conditions. I understand that I have a right to appear before a Judge in a courtroom in the Southern District of New York at the time that my attorney makes such an application. I have discussed these rights with my attorney and wish to give up these rights for the period of time in which access to the courthouse has been restricted on account of the COVID-19 pandemic. I request that my attorney be permitted to make applications for my release from custody or for modification of the conditions of my release even though I will not be present, and to make such applications in writing or by telephone in my attorney's discretion.

Date:

\_\_\_\_\_  
Print Name\_\_\_\_\_  
Signature of Defendant\_\_\_\_\_  
Conference

I have been charged in an indictment with violations of federal law. I understand that I have a right to be present at all conferences concerning this Indictment that are held by a Judge in the Southern District of New York, unless the conference involves only a question of law. I understand that at these conferences the Judge may, among other things, 1) set a schedule for the case including the date at which the trial will be held, and 2) determine whether, under the Speedy Trial Act, certain periods of time should be properly excluded in setting the time by which the trial must occur. I have discussed these issues with my attorney and wish to give up my right to be present at the conferences. By signing this document, I wish to advise the Court that I willingly give up my right to be present at the conferences in my case for the period of time in which access to the courthouse has been restricted on account of the COVID-19 pandemic. I request that my attorney be permitted to represent my interests at the proceedings even though I will not be present.

Date:

\_\_\_\_\_  
Print Name\_\_\_\_\_  
Signature of DefendantX Entry of Plea of Guilty

I am aware that I have been charged with violations of federal law. I have consulted with my attorney about those charges. I have decided that I wish to enter a plea of guilty to certain charges. I understand that I have a right to appear before a Judge in a courtroom in the Southern District of New York to enter my plea of guilty and to have my attorney beside me as I do. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I have discussed these issues with my attorney. By signing this document, I wish to advise the Court that I willingly give up my right to appear in person before the Judge to enter a plea of guilty. By signing this document, I also wish to advise the Court that I willingly give up any right that I might have to have my attorney next to me as I enter my plea so long as the following conditions are met: (1) I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf during the proceeding. (2) I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date:

6/17/20

\_\_\_\_\_  
Print Name\_\_\_\_\_  
Signature of Defendant

✓ Sentence

I understand that I have a right to appear before a Judge in a courtroom in the Southern District of New York at the time of my sentence and to speak directly in that courtroom to the Judge who will sentence me. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I do not wish to wait until the end of this emergency to be sentenced. I have discussed these issues with my attorney and willingly give up my right to be present, at the time my sentence is imposed, in the courtroom with my attorney and the Judge who will impose that sentence. By signing this document, I wish to advise the Court that I willingly give up my right to appear in a courtroom in the Southern District of New York for my sentencing proceeding as well as my right to have my attorney next to me at the time of sentencing on the following conditions: (1) I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf at the proceeding. (2) I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date:

6/17/20

Randell Whitehead  
Print Name

*Randell Whitehead*  
Signature of Defendant

I hereby affirm that I am aware of my obligation to discuss with my client the charges against my client, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver and consent form. I affirm that my client knowingly and voluntarily consents to the proceedings being held with my client and me both participating remotely.

Date:

6/24/20

James R. DeVita  
Print Name

*James R. DeVita*  
Signature of Defense Counsel

**Addendum for a Defendant who requires services of an Interpreter:**

I used the services of an interpreter to discuss these issues with the Defendant. The interpreter also translated this document, in its entirety, to the Defendant before the Defendant signed it. The Interpreter's name is:

Date:

Signature of Defense Counsel

*Cathy Seibel*

Accepted:

Signature of Judge

Date: 6/26/2020